

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLY MCLAIN ROSETTE,

Defendant.

CR-18-63-GF-BMM-3

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on November 14, 2022. (Doc. 256.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 8, 2022. (Doc. 249.) The United States accused Charly Rosette (Rosette) of violating her conditions of supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by using oxycodone and

methamphetamine; and 4) by failing to reside at a place approved by her probation officer. (Doc. 238.)

At the revocation hearing, Rosette admitted to violating the conditions of her supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by using oxycodone and methamphetamine; and 4) by failing to reside at a place approved by her probation officer. (Doc. 249.) Judge Johnston found that the violations proved to be serious and warranted revocation, and recommended that Rosette receive a custodial sentence of 3 months with 33 months of supervised release to follow, with the first 180 days of her supervised release in a residential re-entry center such as Passages in Billings, Montana. (Doc. 256.) Rosette was advised of her right to appeal and her right to allocute before the undersigned. Rosette waived those rights. (Doc. 249.) The violations prove serious and warrants revocation of Rosette's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 256) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Charly McLain Rosette be sentenced to the custody of the United States Bureau of Prisons for 3 months with 33 months of supervised

release to follow. Rosette will serve the first 180 days of supervised release in a residential re-entry center such as Passages in Billings, Montana.

DATED this 14th day of November, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court